

AMENDED IN ASSEMBLY MAY 8, 2003

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1469

Introduced by Assembly Member Negrete McLeod

February 21, 2003

An act to amend Sections 364, 366, and 366.21 of the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1469, as amended, Negrete McLeod. Dependent children: supplemental reports.

Existing law requires a social worker to file a specified supplemental report with the juvenile court at least 10 calendar days prior to a hearing concerning a dependent child who has not been removed from the physical custody of his or her parent or guardian. Existing law also requires that a copy of the report be furnished to all parties at least 10 calendar days prior to the hearing. Existing law further requires a social worker to file a supplemental report at least 10 calendar days prior to a status review hearing concerning a dependent child. In addition, the social worker is required to provide the parent or legal guardian and counsel for the child with a copy of the report at least 10 calendar days prior to the status review hearing.

This bill would revise the provisions requiring a social worker to ~~file~~ *furnish a copy of the* supplemental reports ~~with the court~~ *to all parties* at least 10 calendar days prior to the hearings described above to provide that this may be accomplished by mailing the report at least 15 calendar

days prior to the hearing. The bill would also authorize the court to grant a continuance not to exceed 10 calendar days upon request by any party or his or her counsel on the ground that the report was not provided at least 10 calendar days prior to the hearing, except as specified. In addition, the bill would specifically provide that any deadline imposed pursuant to these provisions for providing supplemental reports to the parties or their counsel is directory and not mandatory, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 364 of the Welfare and Institutions
2 Code is amended to read:
3 364. (a) Every hearing in which an order is made placing a
4 child under the supervision of the juvenile court pursuant to
5 Section 300 and in which the child is not removed from the
6 physical custody of his or her parent or guardian shall be continued
7 to a specific future date not to exceed six months after the date of
8 the original dispositional hearing. The continued hearing shall be
9 placed on the appearance calendar. The court shall advise all
10 persons present of the date of the future hearings, of their rights to
11 be present, and to be represented by counsel.
12 (b) ~~The~~ At least 10 calendar days prior to the hearing, the
13 social worker shall file a supplemental report with the court
14 describing the services offered to the family and the progress made
15 by the family in eliminating the conditions or factors requiring
16 court supervision. The social worker shall also make a
17 recommendation regarding the necessity of continued
18 supervision. A copy of this report shall be provided to all parties
19 at least 10 calendar days prior to the hearing. This may be
20 accomplished by mailing the report at least 15 calendar days prior
21 to the hearing. Any deadline imposed pursuant to this section for
22 providing supplemental reports to the parties or their counsel is
23 directory and not mandatory in order to achieve the prompt
24 resolution of the child's need for permanence and finality. The
25 court may grant a reasonable continuance not to exceed 10
26 calendar days upon request by any party or his or her counsel on
27 the ground that the report was not provided at least 10 calendar
28 days prior to the hearing as required by this section, unless the

1 party or his or her counsel has expressly waived the requirement
2 that the report be provided within the 10-day period or the court
3 finds by clear and convincing evidence that the party's ability to
4 proceed at the hearing is not prejudiced by the lack of timely
5 service of the report. In making this determination, the court shall
6 consider when the report was received and whether the party or his
7 or her counsel had adequate time to review the report or otherwise
8 prepare for the hearing.

9 (c) After hearing any evidence presented by the social worker,
10 the parent, the guardian, or the child, the court shall determine
11 whether continued supervision is necessary. The court shall
12 terminate its jurisdiction unless the social worker or his or her
13 department establishes by a preponderance of evidence that the
14 conditions still exist which would justify initial assumption of
15 jurisdiction under Section 300, or that those conditions are likely
16 to exist if supervision is withdrawn. Failure of the parent or
17 guardian to participate regularly in any court ordered treatment
18 program shall constitute prima facie evidence that the conditions
19 which justified initial assumption of jurisdiction still exist and that
20 continued supervision is necessary.

21 (d) If the court retains jurisdiction it shall continue the matter
22 to a specified date, not more than six months from the time of the
23 hearing, at which point the court shall again follow the procedure
24 specified in subdivision (c).

25 (e) In any case in which the court has ordered that a parent or
26 guardian shall retain physical custody of a child subject to
27 supervision by a social worker, and the social worker subsequently
28 receives a report of acts or circumstances which indicate that there
29 is reasonable cause to believe that the child is a person described
30 in subdivision (a), (d), or (e) of Section 300, the social worker shall
31 commence proceedings under this chapter. If, as a result of the
32 proceedings required, the court finds that the child is a person
33 described in subdivision (a), (d), or (e) of Section 300, the court
34 shall remove the child from the care, custody, and control of the
35 child's parent or guardian and shall commit the child to the care,
36 custody, and control of the social worker pursuant to Section 361.

37 SEC. 2. Section 366 of the Welfare and Institutions Code is
38 amended to read:

39 366. (a) (1) The status of every dependent child in foster
40 care shall be reviewed periodically as determined by the court but

1 no less frequently than once every six months, as calculated from
2 the date of the original dispositional hearing, until the hearing
3 described in Section 366.26 is completed. The court shall consider
4 the safety of the child and shall determine all of the following:

5 (A) The continuing necessity for and appropriateness of the
6 placement.

7 (B) The extent of the agency's compliance with the case plan
8 in making reasonable efforts to return the child to a safe home and
9 to complete any steps necessary to finalize the permanent
10 placement of the child.

11 (C) Whether there should be any limitation on the right of the
12 parent or guardian to make educational decisions for the child.
13 That limitation shall be specifically addressed in the court order
14 and may not exceed those necessary to protect the child. Whenever
15 the court specifically limits the right of the parent or guardian to
16 make educational decisions for the child, the court shall at the same
17 time appoint a responsible adult to make educational decisions for
18 the child pursuant to Section 361.

19 (D) (i) Whether the child has other siblings under the court's
20 jurisdiction, and, if any siblings exist, all of the following:

21 (I) The nature of the relationship between the child and his or
22 her siblings.

23 (II) The appropriateness of developing or maintaining the
24 sibling relationships pursuant to Section 16002.

25 (III) If the siblings are not placed together in the same home,
26 why the siblings are not placed together and what efforts are being
27 made to place the siblings together, or why those efforts are not
28 appropriate.

29 (IV) If the siblings are not placed together, the frequency and
30 nature of the visits between siblings.

31 (V) The impact of the sibling relationships on the child's
32 placement and planning for legal permanence.

33 (VI) The continuing need to suspend sibling interaction, if
34 applicable, pursuant to subdivision (c) of Section 16002.

35 (ii) The factors the court may consider in making a
36 determination regarding the nature of the child's sibling
37 relationships may include, but are not limited to, whether the
38 siblings were raised together in the same home, whether the
39 siblings have shared significant common experiences or have
40 existing close and strong bonds, whether either sibling expresses

1 a desire to visit or live with his or her sibling, as applicable, and
2 whether ongoing contact is in the child's best emotional interests.

3 (E) The extent of progress which has been made toward
4 alleviating or mitigating the causes necessitating placement in
5 foster care.

6 (2) The court shall project a likely date by which the child may
7 be returned to and safely maintained in the home or placed for
8 adoption, legal guardianship, or in another planned permanent
9 living arrangement.

10 (b) Subsequent to the hearing, periodic reviews of each child
11 in foster care shall be conducted pursuant to the requirements of
12 Sections 366.3 and 16503.

13 (c) If the child has been placed out of state, each review
14 described in subdivision (a) and any reviews conducted pursuant
15 to Sections 366.3 and 16503 shall also address whether the
16 out-of-state placement continues to be the most appropriate
17 placement selection and in the best interests of the child.

18 (d) A child may not be placed in an out-of-state group home,
19 or remain in an out-of-state group home, unless the group home is
20 in compliance with Section 7911.1 of the Family Code.

21 (e) Any supplemental report filed in connection with a status
22 review hearing held pursuant to subdivision (a) shall be provided
23 to the parent or legal guardian and counsel for the child at least 10
24 calendar days prior to the hearing. This may be accomplished by
25 mailing the report at least 15 calendar days prior to the hearing.
26 Any deadline imposed pursuant to this section for providing
27 supplemental reports to the parties or counsel is directory and not
28 mandatory in order to achieve the prompt resolution of the child's
29 need for permanency and finality. The court may grant a
30 reasonable continuance not to exceed 10 calendar days upon
31 request by any party or his or her counsel on the ground that the
32 report was not provided at least 10 calendar days prior to the
33 hearing as required by this section, unless the party or his or her
34 counsel has expressly waived the requirement that the report be
35 provided within the 10-day period or the court finds by clear and
36 convincing evidence that the party's ability to proceed at the
37 hearing is not prejudiced by the lack of timely service of the report.
38 In making this determination, the court shall consider when the
39 report was received and whether the party or his or her counsel had

1 adequate time to review the report or otherwise prepare for the
2 hearing.

3 SEC. 3. Section 366.21 of the Welfare and Institutions Code
4 is amended to read:

5 366.21. (a) Every hearing conducted by the juvenile court
6 reviewing the status of a dependent child shall be placed on the
7 appearance calendar. The court shall advise all persons present at
8 the hearing of the date of the future hearing and of their right to be
9 present and represented by counsel.

10 (b) Except as provided in Section 294 and subdivision (a) of
11 Section 366.3, notice of the hearing shall be mailed by the social
12 worker to the same persons as in the original proceeding, to the
13 child's parent or legal guardian, to the foster parents, relative
14 caregivers, community care facility, or foster family agency
15 having physical custody of the child in the case of a child removed
16 from the physical custody of his or her parent or legal guardian,
17 and to the counsel of record if the counsel of record was not present
18 at the time that the hearing was set by the court, by first-class mail
19 addressed to the last known address of the person to be notified,
20 or shall be personally served on those persons, not earlier than 30
21 days nor later than 15 days preceding the date to which the hearing
22 was continued. Service of a copy of the notice personally or by
23 certified mail return receipt requested, or any other form of actual
24 notice, is equivalent to service by first-class mail.

25 The notice shall contain a statement regarding the nature of the
26 hearing to be held and any change in the custody or status of the
27 child being recommended by the supervising agency. The notice
28 to the foster parent, relative caregiver, or a certified foster parent
29 who has been approved for adoption by the State Department of
30 Social Services when it is acting as an adoption agency in counties
31 that are not served by a county adoption agency or by a licensed
32 county adoption agency shall indicate that the foster parent,
33 relative caregiver, or a certified foster parent who has been
34 approved for adoption by the State Department of Social Services
35 when it is acting as an adoption agency in counties that are not
36 served by a county adoption agency or by a licensed county
37 adoption agency may attend all hearings or may submit to the court
38 in writing any information he or she deems relevant.

39 (c) ~~The~~ *At least 10 calendar days prior to the hearing, the*
40 social worker shall file a supplemental report with the court

1 regarding the services provided or offered to the parent or legal
 2 guardian to enable him or her to assume custody and the efforts
 3 made to achieve legal permanence for the child if efforts to reunify
 4 fail, the progress made, and, where relevant, the prognosis for
 5 return of the child to the physical custody of his or her parent or
 6 legal guardian, and shall make his or her recommendation for
 7 disposition. If the child is a member of a sibling group described
 8 in paragraph (3) of subdivision (a) of Section 361.5, the report and
 9 recommendation may also take into account those factors
 10 described in subdivision (e) relating to the child's sibling group.
 11 If the recommendation is not to return the child to a parent or legal
 12 guardian, the report shall specify why the return of the child would
 13 be detrimental to the child. The social worker shall provide the
 14 parent or legal guardian and counsel for the child with a copy of
 15 the report, including his or her recommendations for disposition;
 16 ~~at least 10 calendar days prior to the hearing.~~ In the case of a child
 17 removed from the physical custody of his or her parent or legal
 18 guardian, the social worker shall, *at least 10 calendar days prior*
 19 *to the hearing*, provide a summary of his or her recommendation
 20 for disposition to any court-appointed child advocate, and any
 21 foster parents, relative caregivers, certified foster parents who
 22 have been approved for adoption by the State Department of Social
 23 Services when it is acting as an adoption agency in counties that
 24 are not served by a county adoption agency or by a licensed county
 25 adoption agency, community care facility, or foster family agency
 26 having the physical custody of the child.

27 (d) Prior to any hearing involving a child in the physical
 28 custody of a community care facility or a foster family agency that
 29 may result in the return of the child to the physical custody of his
 30 or her parent or legal guardian, or in adoption or the creation of a
 31 legal guardianship, the facility or agency shall file with the court
 32 a report containing its recommendation for disposition. Prior to the
 33 hearing involving a child in the physical custody of a foster parent,
 34 a relative caregiver, or a certified foster parent who has been
 35 approved for adoption by the State Department of Social Services
 36 when it is acting as an adoption agency or by a licensed adoption
 37 agency, the foster parent, relative caregiver, or the certified foster
 38 parent who has been approved for adoption by the State
 39 Department of Social Services when it is acting as an adoption
 40 agency in counties that are not served by a county adoption agency



1 or by a licensed county adoption agency, may file with the court
2 a report containing his or her recommendation for disposition. The
3 court shall consider the report and recommendation filed pursuant
4 to this subdivision prior to determining any disposition.

5 (e) At the review hearing held six months after the initial
6 dispositional hearing, the court shall order the return of the child
7 to the physical custody of his or her parent or legal guardian unless
8 the court finds, by a preponderance of the evidence, that the return
9 of the child to his or her parent or legal guardian would create a
10 substantial risk of detriment to the safety, protection, or physical
11 or emotional well-being of the child. The social worker shall have
12 the burden of establishing that detriment. The failure of the parent
13 or legal guardian to participate regularly and make substantive
14 progress in court-ordered treatment programs shall be prima facie
15 evidence that return would be detrimental. In making its
16 determination, the court shall review and consider the social
17 worker's report and recommendations and the report and
18 recommendations of any child advocate appointed pursuant to
19 Section 356.5; and shall consider the efforts or progress, or both,
20 demonstrated by the parent or legal guardian and the extent to
21 which he or she availed himself or herself of services provided.

22 Whether or not the child is returned to a parent or legal guardian,
23 the court shall specify the factual basis for its conclusion that the
24 return would be detrimental or would not be detrimental. The court
25 also shall make appropriate findings pursuant to subdivision (a) of
26 Section 366; and, where relevant, shall order any additional
27 services reasonably believed to facilitate the return of the child to
28 the custody of his or her parent or legal guardian. The court shall
29 also inform the parent or legal guardian that if the child cannot be
30 returned home by the 12-month permanency hearing, a proceeding
31 pursuant to Section 366.26 may be instituted. This section does not
32 apply in a case where, pursuant to Section 361.5, the court has
33 ordered that reunification services shall not be provided.

34 If the child was under the age of three years on the date of the
35 initial removal, or is a member of a sibling group described in
36 paragraph (3) of subdivision (a) of Section 361.5, and the court
37 finds by clear and convincing evidence that the parent failed to
38 participate regularly and make substantive progress in a
39 court-ordered treatment plan, the court may schedule a hearing
40 pursuant to Section 366.26 within 120 days. If, however, the court

1 finds there is a substantial probability that the child, who was under
2 the age of three years on the date of initial removal or is a member
3 of a sibling group described in paragraph (3) of subdivision (a) of
4 Section 361.5, may be returned to his or her parent or legal
5 guardian within six months or that reasonable services have not
6 been provided, the court shall continue the case to the 12-month
7 permanency hearing.

8 For the purpose of placing and maintaining a sibling group
9 together in a permanent home, the court, in making its
10 determination to schedule a hearing pursuant to Section 366.26 for
11 some or all members of a sibling group, as described in paragraph
12 (3) of subdivision (a) of Section 361.5, shall review and consider
13 the social worker's report and recommendations. Factors the
14 report shall address, and the court shall consider, may include, but
15 need not be limited to, whether the sibling group was removed
16 from parental care as a group, the closeness and strength of the
17 sibling bond, the ages of the siblings, the appropriateness of
18 maintaining the sibling group together, the detriment to the child
19 if sibling ties are not maintained, the likelihood of finding a
20 permanent home for the sibling group, whether the sibling group
21 is currently placed together in a preadoptive home or has a
22 concurrent plan goal of legal permanency in the same home, the
23 wishes of each child whose age and physical and emotional
24 condition permits a meaningful response, and the best interest of
25 each child in the sibling group. The court shall specify the factual
26 basis for its finding that it is in the best interest of each child to
27 schedule a hearing pursuant to Section 366.26 in 120 days for some
28 or all of the members of the sibling group.

29 If the child was removed initially under subdivision (g) of
30 Section 300 and the court finds by clear and convincing evidence
31 that the whereabouts of the parent are still unknown, or the parent
32 has failed to contact and visit the child, the court may schedule a
33 hearing pursuant to Section 366.26 within 120 days. If the court
34 finds by clear and convincing evidence that the parent has been
35 convicted of a felony indicating parental unfitness, the court may
36 schedule a hearing pursuant to Section 366.26 within 120 days.

37 If the child had been placed under court supervision with a
38 previously noncustodial parent pursuant to Section 361.2, the
39 court shall determine whether supervision is still necessary. The
40 court may terminate supervision and transfer permanent custody

1 to that parent, as provided for by paragraph (1) of subdivision (b)
2 of Section 361.2.

3 In all other cases, the court shall direct that any reunification
4 services previously ordered shall continue to be offered to the
5 parent or legal guardian pursuant to the time periods set forth in
6 subdivision (a) of Section 361.5, provided that the court may
7 modify the terms and conditions of those services.

8 If the child is not returned to his or her parent or legal guardian,
9 the court shall determine whether reasonable services that were
10 designed to aid the parent or legal guardian in overcoming the
11 problems that led to the initial removal and the continued custody
12 of the child have been provided or offered to the parent or legal
13 guardian. The court shall order that those services be initiated,
14 continued, or terminated.

15 (f) The permanency hearing shall be held no later than 12
16 months after the date the child entered foster care, as that date is
17 determined pursuant to subdivision (a) of Section 361.5. At the
18 permanency hearing, the court shall determine the permanent plan
19 for the child, which shall include a determination of whether the
20 child will be returned to the child's home and, if so, when, within
21 the time limits of subdivision (a) of Section 361.5. The court shall
22 order the return of the child to the physical custody of his or her
23 parent or legal guardian unless the court finds, by a preponderance
24 of the evidence, that the return of the child to his or her parent or
25 legal guardian would create a substantial risk of detriment to the
26 safety, protection, or physical or emotional well-being of the child.
27 The social worker shall have the burden of establishing that
28 detriment. The court shall also determine whether reasonable
29 services that were designed to aid the parent or legal guardian to
30 overcome the problems that led to the initial removal and
31 continued custody of the child have been provided or offered to the
32 parent or legal guardian. For each youth 16 years of age and older,
33 the court shall also determine whether services have been made
34 available to assist him or her in making the transition from foster
35 care to independent living. The failure of the parent or legal
36 guardian to participate regularly and make substantive progress in
37 court-ordered treatment programs shall be prima facie evidence
38 that return would be detrimental. In making its determination, the
39 court shall review and consider the social worker's report and
40 recommendations and the report and recommendations of any

1 child advocate appointed pursuant to Section 356.5, shall consider
2 the efforts or progress, or both, demonstrated by the parent or legal
3 guardian and the extent to which he or she availed himself or
4 herself of services provided, and shall make appropriate findings
5 pursuant to subdivision (a) of Section 366.

6 Whether or not the child is returned to his or her parent or legal
7 guardian, the court shall specify the factual basis for its decision.
8 If the child is not returned to a parent or legal guardian, the court
9 shall specify the factual basis for its conclusion that the return
10 would be detrimental. The court also shall make a finding pursuant
11 to subdivision (a) of Section 366.

12 (g) If the time period in which the court-ordered services were
13 provided has met or exceeded the time period set forth in
14 paragraph (1), (2), or (3) of subdivision (a) of Section 361.5, as
15 appropriate, and a child is not returned to the custody of a parent
16 or legal guardian at the permanency hearing held pursuant to
17 subdivision (f), the court shall do one of the following:

18 (1) Continue the case for up to six months for a permanency
19 review hearing, provided that the hearing shall occur within 18
20 months of the date the child was originally taken from the physical
21 custody of his or her parent or legal guardian. The court shall
22 continue the case only if it finds that there is a substantial
23 probability that the child will be returned to the physical custody
24 of his or her parent or legal guardian and safely maintained in the
25 home within the extended period of time or that reasonable
26 services have not been provided to the parent or legal guardian. For
27 the purposes of this section, in order to find a substantial
28 probability that the child will be returned to the physical custody
29 of his or her parent or legal guardian and safely maintained in the
30 home within the extended period of time, the court shall be
31 required to find all of the following:

32 (A) That the parent or legal guardian has consistently and
33 regularly contacted and visited with the child.

34 (B) That the parent or legal guardian has made significant
35 progress in resolving problems that led to the child's removal from
36 the home.

37 (C) The parent or legal guardian has demonstrated the capacity
38 and ability both to complete the objectives of his or her treatment
39 plan and to provide for the child's safety, protection, physical and
40 emotional well-being, and special needs.

1 For purposes of this subdivision, the court's decision to continue
2 the case based on a finding or substantial probability that the child
3 will be returned to the physical custody of his or her parent or legal
4 guardian is a compelling reason for determining that a hearing held
5 pursuant to Section 366.26 is not in the best interests of the child.

6 The court shall inform the parent or legal guardian that if the
7 child cannot be returned home by the next permanency review
8 hearing, a proceeding pursuant to Section 366.26 may be
9 instituted. The court shall not order that a hearing pursuant to
10 Section 366.26 be held unless there is clear and convincing
11 evidence that reasonable services have been provided or offered to
12 the parent or legal guardian.

13 (2) Order that a hearing be held within 120 days, pursuant to
14 Section 366.26, but only if the court does not continue the case to
15 the permanency planning review hearing and there is clear and
16 convincing evidence that reasonable services have been provided
17 or offered to the parents or legal guardians.

18 (3) Order that the child remain in long-term foster care, but
19 only if the court finds by clear and convincing evidence, based
20 upon the evidence already presented to it, including a
21 recommendation by the State Department of Social Services when
22 it is acting as an adoption agency in counties that are not served by
23 a county adoption agency or by a licensed county adoption agency,
24 that there is a compelling reason for determining that a hearing
25 held pursuant to Section 366.26 is not in the best interest of the
26 child because the child is not a proper subject for adoption and has
27 no one willing to accept legal guardianship. For purposes of this
28 section, a recommendation by the State Department of Social
29 Services when it is acting as an adoption agency in counties that
30 are not served by a county adoption agency or by a licensed county
31 adoption agency that adoption is not in the best interest of the child
32 shall constitute a compelling reason for the court's determination.
33 That recommendation shall be based on the present circumstances
34 of the child and shall not preclude a different recommendation at
35 a later date if the child's circumstances change.

36 (h) In any case in which the court orders that a hearing pursuant
37 to Section 366.26 shall be held, it shall also order the termination
38 of reunification services to the parent or legal guardian. The court
39 shall continue to permit the parent or legal guardian to visit the

1 child pending the hearing unless it finds that visitation would be
2 detrimental to the child.

3 (i) Whenever a court orders that a hearing pursuant to Section
4 366.26 shall be held, it shall direct the agency supervising the child
5 and the licensed county adoption agency, or the State Department
6 of Social Services when it is acting as an adoption agency in
7 counties that are not served by a county adoption agency, to
8 prepare an assessment that shall include:

9 (1) Current search efforts for an absent parent or parents or
10 legal guardians.

11 (2) A review of the amount of and nature of any contact
12 between the child and his or her parents or legal guardians and
13 other members of his or her extended family since the time of
14 placement. Although the extended family of each child shall be
15 reviewed on a case-by-case basis, “extended family” for the
16 purpose of this paragraph shall include, but not be limited to, the
17 child’s siblings, grandparents, aunts, and uncles.

18 (3) An evaluation of the child’s medical, developmental,
19 scholastic, mental, and emotional status.

20 (4) A preliminary assessment of the eligibility and
21 commitment of any identified prospective adoptive parent or legal
22 guardian, particularly the caretaker, to include a social history
23 including screening for criminal records and prior referrals for
24 child abuse or neglect, the capability to meet the child’s needs, and
25 the understanding of the legal and financial rights and
26 responsibilities of adoption and guardianship. If a proposed
27 guardian is a relative of the minor, and the relative was assessed
28 for foster care placement of the minor prior to January 1, 1998, the
29 assessment shall also consider, but need not be limited to, all of the
30 factors specified in subdivision (a) of Section 361.3.

31 (5) The relationship of the child to any identified prospective
32 adoptive parent or legal guardian, the duration and character of the
33 relationship, the motivation for seeking adoption or guardianship,
34 and a statement from the child concerning placement and the
35 adoption or guardianship, unless the child’s age or physical,
36 emotional, or other condition precludes his or her meaningful
37 response, and if so, a description of the condition.

38 (6) An analysis of the likelihood that the child will be adopted
39 if parental rights are terminated.

1 (j) If, at any hearing held pursuant to Section 366.26, a
2 guardianship is established for the minor with a relative, and
3 juvenile court dependency is subsequently dismissed, the relative
4 shall be eligible for aid under the Kin-GAP program as provided
5 in Article 4.5 (commencing with Section 11360) of Chapter 2 of
6 Part 3 of Division 9.

7 (k) As used in this section, “relative” means an adult who is
8 related to the minor by blood, adoption, or affinity within the fifth
9 degree of kinship, including stepparents, stepsiblings, and all
10 relatives whose status is preceded by the words “great,”
11 “great-great,” or “grand,” or the spouse of any of those persons
12 even if the marriage was terminated by death or dissolution.

13 (l) For purposes of this section, evidence of any of the
14 following circumstances shall not, in and of itself, be deemed a
15 failure to provide or offer reasonable services:

16 (1) The child has been placed with a foster family that is
17 eligible to adopt a child, or has been placed in a preadoptive home.

18 (2) The case plan includes services to make and finalize a
19 permanent placement for the child if efforts to reunify fail.

20 (3) Services to make and finalize a permanent placement for
21 the child, if efforts to reunify fail, are provided concurrently with
22 services to reunify the family.

